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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,
Plaintiff,
v.
GARY JAMES ROLLER,
Defendant.

No. CR 08-00361(B) RMW

**STIPULATION AND []
ORDER SETTING TRIAL DATE ON
JULY 25, 2011, AND EXCLUDING
TIME FROM JUNE 13, 2011 TO JULY
25, 2011, FROM CALCULATIONS
UNDER THE SPEEDY TRIAL ACT (18
U.S.C. § 3161)**

The parties hereby request that the Court enter this order setting a trial date for July 25, 2011, and excluding time from June 13, 2011 through July 25, 2011. Trial in this matter is currently scheduled for June 13, 2011. The parties, including the defendant, stipulate as follows:

1. The defendant understands and agrees to the exclusion of time from calculations under the Speedy Trial Act, 18 U.S.C. § 3161, for the period from June 13, 2011 through July 25, 2011 based upon the need for the defense counsel to investigate further the facts of the present case and determine what, if any, additional motions and defenses are appropriate. Defense counsel is currently preparing multiple substantive motions and anticipates filing them the week of May 2,

2011. The parties have agreed that these motions should be heard on June 13, 2011. In order to provide the government adequate time to respond to these motions and the Court to consider them, the parties believe that a continuance is appropriate. In addition, defense counsel will be involved in several criminal matters in the next few weeks and will require additional time to prepare for trial. Therefore, for effective preparation of defense counsel and continuity of counsel, the parties respectfully request that the Court vacate the current trial date of June 13, 2011, set a July 25, 2011 as the date for trial in this matter and July 14, 2011 as the date for the pretrial conference in this case.

2. The attorney for defendant joins in the request to exclude time under the Speedy Trial Act, 18 U.S.C. § 3161, for the above reasons, and believes the exclusion of time is necessary for effective preparation of the defense and continuity of defense counsel; believes the exclusion is in the defendant's best interests; and further agrees that the exclusion under the Speedy Trial Act, 18 U.S.C. § 3161, should be for the period from June 13, 2011 through July 25, 2011.

Given these circumstances, the parties believe, and request that the Court find, that the ends of justice are served by excluding from calculations the period from June 13, 2011 through July 25, 2011 outweigh the best interests of the public and the defendant in a speedy trial under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A) & (B)(iv).

IT IS SO STIPULATED.

DATED: May 3, 2011

/s/ Richard Pointer
RICHARD POINTER
Attorney for Defendant

DATED: May 3, 2011

/s/ Hanley Chew
HANLEY CHEW
Assistant United States Attorney
Attorney for Plaintiff

[] ORDER

Having considered the stipulation of the parties, the Court finds that: (1) the defendant understands and agrees to the exclusion of time from calculations under the Speedy Trial Act, 18

1 U.S.C. § 3161, from June 13, 2011 through July 25, 2011, based on the need for the defense
2 counsel to investigate further the facts of the present case, review the discovery that the
3 government has already provided and will provide and evaluate further possible defenses and
4 motions available to the defendant and otherwise prepare for trial; (2) the exclusion of time is
5 necessary for effective preparation of the defense and continuity of counsel and is in the
6 defendant's best interests; and (3) the ends of justice are served by excluding from Speedy Trial
7 calculations the period from June 13, 2011 through July 25, 2011.

8 Accordingly, the Court further orders that (1) trial in this case be scheduled for July 25,
9 2011 and pretrial conference in this case be scheduled for July 14, 2011 at 2:00 p.m.; and (2) the
10 time from June 13, 2011 through July 25, 2011 is excluded from time calculations under the
11 Speedy Trial Act, 18 U.S.C. § 3161.

12
13 IT IS SO ORDERED.

14 DATED: 5/18/11


THE HONORABLE RONALD M. WHYTE
United States District Court Judge